

TA No. 22 of 2016(O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA No. 22 of 2016(O&M)
Date of decision: 03.02.2016

Sunita Rani
Versus
....Applicant

Shamsher Singh
....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Naveen Singh Panwar, Advocate, for the applicant.
Mr. Sunny Deep Juneja, Advocate for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 9 of the Hindu Marriage Act (for short 'the Act') titled '**Shamsher Singh Vs. Sunita**', filed by respondent-husband from the Court at Rohtak to the Court of competent jurisdiction at Sonipat.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contended that respondent has filed a petition under Section 9 of the Act, which is pending in the Court of learned District Judge/Family Court, Rohtak. Now applicant is residing with her children at Sonipat. It is further contended that petition

under Section 125 Cr.P.C. against the respondent-husband is pending at Sonipat. Learned counsel for the applicant relied upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and contended that the applicant is more than 50 years of age and it would be easier for the respondent-husband to attend the proceedings in Sonipat than for the applicant to attend the same in Rohtak. Therefore, the case under Section 9 of the Act may be transferred to Sonipat.

Per-contra, learned counsel appearing on behalf of the respondent vehemently opposed the application and contended that proceedings in petition under Section 9 of the Act are civil in nature and presence of the applicant herein is not required on each and every date.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the petition and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 9 of the Act pending in the Court of learned District Judge/Family Court, Rohtak is withdrawn and ordered to be transferred to learned District Judge, Sonipat, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Rohtak, shall ensure that entire record of the case is sent to learned District Judge, Sonipat. The parties are

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directed to appear before the learned District Judge, Sonipat on
23.02.2016.

Disposed of.

February 03, 2016
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(Paramjeet Singh Dhaliwal)
Judge